UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,978	12/22/2000	Mohanasundaram Chinnappan	020431.0753	8477

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EXAMINER
LUGO, CARLOS

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

SK

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 March 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>13</u>.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 14

DETAILED ACTION

1. This Office Action is in response to applicant's RCE filed on March 1, 2004.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-7,9-16,18-25,27 and 28 are rejected** under 35 U.S.C. 102(b) as being

anticipated by Ebay.com (Ebay).

Regarding claims 1,11 and 20, Ebay discloses a global content directory

comprising a directory structure (site itself) comprising a plurality of product classes

(categories) organized in a hierarchy.

Each product class categorizes a plurality of products (the products that are on

sale or for bid) and defines one or more attributes of the products categorized in the

product class.

Each product class is associated to a pointer identifying a seller database (seller,

the person selling his goods). Each pointer is different from the other sellers

pointers. Also, each pointer includes product data enabling a product transaction

(method of bid and pay).

A search interface (Smart Search or Find It! blank) is operable to communicate a

search query for product data to one or more seller databases identified by the one

ore more pointers associated with the selected product class.

As to claims 2,12 and 21, Ebay discloses the use of an access protocol (A protocol is a set of conventions governing the treatment and especially the formatting of data in an electronic communications system, therefore, in order to operate the search format, the website, in this case Ebay, must have an access protocol to operate).

As to claims 3,13 and 22, Ebay discloses that the directory structure is distributed between pluralities of computers (when different buyers and seller enter through the Internet).

As to claims 4,14 and 23, Ebay discloses the use of the Internet.

As to claim 5, Ebay illustrates that the global content directory further includes one or more additional directory structure (Pages 7 and 8; Browse Button, when a person press this button, the following alternatives appears: categories, regions, themes or stores).

As to claims 6,15 and 24, Ebay disclose the use of a structured query language. A query language provides a means of retrieving records or parts of records and performing various calculations before displaying the results. Therefore, when a person is searching for something in particular using Ebay, query language will retrieve records or parts of records and performing various calculations before displaying the results.

As to claims 7,16 and 25, Ebay discloses that the search query includes one or more attributes of the class selected by the user.

As to claims 9,18 and 27, Ebay discloses that the search interface is operable to receive search results from one or more seller databases in response to the search query.

As to claims 10,14 and 28, Ebay discloses that the directory receives a selection from the user of a product data from the search and in response the user will get information of the seller and the product (See the description of the product).

4. **Claims 1-7,9-16,18-25,27 and 28 are rejected** under 35 U.S.C. 102(b) as being anticipated by Amazon.com (Amazon).

Regarding claims 1,11 and 20, Amazon discloses a global content directory comprising a directory structure (site itself) comprising a plurality of product classes (categories) organized in a hierarchy.

Each product class categorizes a plurality of products (the products that are on sale) and defines one or more attributes of the products categorized in the product class.

Each product class is associated to a pointer identifying a seller database (seller, the person selling his goods). Each pointer is different from the other seller's pointers. Also, each pointer includes product data enabling a product transaction (method of bid and pay).

A search interface (Search blank) is operable to communicate a search query for product data to one or more seller databases identified by the one ore more pointers associated with the selected product class.

As to claims 2,12 and 21, Amazon discloses the use of an access protocol (A protocol is a set of conventions governing the treatment and especially the formatting of data in an electronic communications system, therefore, in order to operate the search format, the website, in this case Amazon, must have an access protocol to operate).

As to claims 3,13 and 22, Amazon discloses that the directory structure is distributed between pluralities of computers (when different buyers and seller enter through the Internet).

As to claims 4,14 and 23, Amazon discloses the use of the Internet.

As to claim 5, Amazon illustrates that the global content directory further includes one or more additional directory structure (Page 3, at the top or at the left side).

As to claims 6,15 and 24, Amazon discloses the use of a structured query language. A query language provides a means of retrieving records or parts of records and performing various calculations before displaying the results. Therefore, when a person is searching for something in particular using Amazon, query language will retrieve records or parts of records and performing various calculations before displaying the results.

As to claims 7,16 and 25, Amazon discloses that the search query includes one or more attributes of the class selected by the user.

As to claims 9,18 and 27, Amazon discloses that the search interface is operable to receive search results from one or more seller databases in response to the search query.

As to claims 10,14 and 28, Amazon discloses that the directory receives a selection from the user of a product data from the search and in response the user will get information of the seller and the product (Pages 5 and 6).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 1-28 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,366,910 to Rajaraman et al (Rajaraman) in view of Ebay.

Regarding claims 1,11 and 20, Rajaraman discloses a global content directory (GPS) comprising a directory structure (202) comprising a plurality of product classes organized in a hierarchy (Col. 2 Lines 57-61).

Each product class categorizes a plurality of products and defines one or more attributes of the products categorized in the product class (Col. 2 Lines 61-65, for example, if an user is locking for clothes, sub categories will come out, for example shoes, shirts, etc.).

A search interface (207) is operable to communicate a search query for product data to one or more seller databases that is identified by the one or more pointers associated with the selected product class.

However, Rajaraman fails to disclose a plurality of sellers databases. In other words, that Rajaraman fails to disclose that different sellers. Rajaraman discloses a single database (Figure 2).

Ebay teaches that is known in the art to have multiple seller databases (each seller) grouped in a global content directory (site).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have multiples seller databases, as taught by Ebay, into a device as described by Rajaraman, because it is a duplication of component that will not affect how to navigate in the system. Furthermore, it would have been obvious because it would give more options to the customer for an item.

As to claims 2,12 and 21, Rajaraman discloses the use of an access protocol (A protocol is a set of conventions governing the treatment and especially the formatting of data in an electronic communications system, therefore, in order to operate the search format, the website, must have an access protocol to operate).

As to claims 3,13 and 22, Rajaraman discloses that the directory structure is distributed between pluralities of computers (when different buyers and seller enter through the Internet).

As to claims 4,14 and 23, Rajaraman discloses the use of the Internet.

As to claim 5, Rajaraman illustrates that the global content directory further includes one or more additional directory structure (Figures 1a and 1b).

As to claims 6,15 and 24, Rajaraman disclose the use of a structured query language. A query language provides a means of retrieving records or parts of

records and performing various calculations before displaying the results. Therefore, when a person is searching for something in particular, query language will retrieve records or parts of records and performing various calculations before displaying the results.

As to claims 7,16 and 25, Rajaraman discloses that the search query includes one or more attributes of the class selected by the user.

As to claims 8,17 and 26, Rajaraman illustrates that the search query includes values for one or more desired products features specified by the user (Figure 4).

As to claims 9,18 and 27, Rajaraman discloses that the search interface is operable to receive search results from one or more seller databases in response to the search query (the buyer will get different products related to the search term (for example: clothes) from different sellers).

As to claims 10,14 and 28, Rajaraman discloses that the directory receives a selection from the user of a product data from the search and in response the user will get information of the seller and the product.

Response to Arguments

7.   Applicant's arguments filed March 1, 2004 have been fully considered but they are not persuasive.

Regarding applicant's arguments that Ebay fails to disclose that the "one or more pointers associated with each product class in the plurality of product classes, each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products

associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases," (Page 9 Line 13), Ebay disclose this limitation.

First, the limitation "a plurality of seller databases" is not positively claimed, it is considered as intended use of the global content directory.

A recitation with respect to the manner in which an apparatus is intended to be employed does not impose any structural limitation upon the claimed apparatus, which differentiates it from a prior art reference disclosing the structural limitations of the claim. In re Pearson, 494 F.2d 1399, 181 USPQ 641 (CCPA 1974); In re Yanush, 477 F.2d 958, 177 USPQ 705 (CCPA 1973); In re Finsterwalder, 436 F.2d 1028, 168 USPQ 530 (CCPA 1971); In re Casey, 370 F.2d 576, 152 USPQ 235 (CCPA 1967); In re Otto, 312 F.2d 937, 136 USPQ 458 (CCPA 1963); Ex parte Masham, 2 USPQ2d 1647 (BdPatApp & Inter 1987).

Second, Ebay discloses a plurality of product class (the different categories) having his pointer.

It is common sense that if a person clicks on the sports class, it will appear classes or products related to sports, it would not appear a car or a house, etc.

When a person finds the product that he was looking for, that product has his own pointer, that is different from the others and it is connected to the seller database (information or more products that the seller is offering). There is no speculation of how Ebay works.

As to applicant's arguments that Ebay performs a simple search (SQL search), instead of what it is claimed (Page 10 Line 1), Ebay also offer this simple search instead of looking through the hierarchy.

As to applicant's arguments that Ebay fails to discloses pointers (Page 10 Line 10), Ebay discloses the use of pointers. The Internet is based on pointers that define something from another thing.

As to applicant's arguments that Ebay fails to disclose a search interface (Page 10 Line 25), Ebay discloses this limitation. Ebay discloses a search interface (Search blank), that allows an user to find all the different products presented by the sellers according to the search.

As to applicant's arguments that Amazon fails to disclose the claimed subject matter in claim 1 (Page 11 Line 17), see the arguments presented above with respect to Ebay.

As to applicant's arguments the Rajaraman fails to disclose the invention as claimed (Page 14 Line 10), the new rejection discloses the invention as claimed.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number
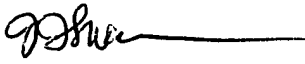
for the organization where this application or proceeding is assigned is (703) 872-

9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-

306-5771.

Carlos Lugo
Examiner
Art Unit 3677

March 11, 2004.

J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600